

(Rev. 01/21) Complaint for Violation of Civil Rights (Prisoner)

UNITED STATES DISTRICT COURT

for the

Western District of New York

25 CV 507 -V

Case No.

(to be filled in by the Clerk's Office)

Tegund Link

Plaintiff(s)

(Write the full name of each plaintiff who is filing this complaint. If the names of all the plaintiffs cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

-v-

JURY TRIAL: Yes ☒ No ☐John C. Garcia EC, S.

Defendant(s)

(Write the full name of each defendant who is being sued. If the names of all the defendants cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names. Do not include addresses here.)



COMPLAINT FOR VIOLATION OF CIVIL RIGHTS

(Prisoner Complaint)

NOTICE

Federal Rules of Civil Procedure 5.2 addresses the privacy and security concerns resulting from public access to electronic court files. Under this rule, papers filed with the court should *not* contain: an individual's full social security number or full birth date; the full name of a person known to be a minor; or a complete financial account number. A filing may include *only*: the last four digits of a social security number; the year of an individual's birth; a minor's initials; and the last four digits of a financial account number.

Except as noted in this form, plaintiff need not send exhibits, affidavits, grievance or witness statements, or any other materials to the Clerk's Office with this complaint.

In order for your complaint to be filed, it must be accompanied by the filing fee or an application to proceed in forma pauperis.

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I. The Parties to This Complaint**A. The Plaintiff(s)**

Provide the information below for each plaintiff named in the complaint. Attach additional pages if needed.

Name

Tejuan Fish

All other names by which
you have been known:

ID Number

IC No. 75483

Current Institution

Essex County Correction Facility

Address

11581 Walden AvenueAlden

City

NY

State

14004

Zip Code

B. The Defendant(s)

Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization, or a corporation. Make sure that the defendant(s) listed below are identical to those contained in the above caption. For an individual defendant, include the person's job or title (*if known*) and check whether you are bringing this complaint against them in their individual capacity or official capacity, or both. Attach additional pages if needed.

Defendant No. 1

Name

John C GarciaJob or Title (*if known*)Essex County Sheriff

Shield Number

Unknown

Employer

Essex County Sheriff's Department

Address

10 Delaware Ave,Buffalo

City

NY

State

14202

Zip Code



Individual capacity



Official capacity

Defendant No. 2

Name

Jeremy Wehling - LieutenantJob or Title (*if known*)Public Information Officer

Shield Number

Employer

Essex County Sheriff's Department

Address

10 Delaware AveBuffalo

City

NY

State

14202

Zip Code



Individual capacity



Official capacity

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Defendant No. 3

Name _____

Job or Title (if known) _____

Shield Number _____

Employer _____

Address _____

City _____

State _____

Zip Code _____

☐

Individual capacity

☐

Official capacity

Defendant No. 4

Name _____

Job or Title (if known) _____

Shield Number _____

Employer _____

Address _____

City _____

State _____

Zip Code _____

☐

Individual capacity

☐

Official capacity

II. Basis for Jurisdiction

Under 42 U.S.C. § 1983, you may sue state or local officials for the "deprivation of any rights, privileges, or immunities secured by the Constitution and [federal laws]." Under *Bivens v. Six Unknown Named Agents of Federal Bureau of Narcotics*, 403 U.S. 388 (1971), you may sue federal officials for the violation of certain constitutional rights.

A. Are you bringing suit against (check all that apply):

☐Federal officials (a *Bivens* claim)

State or local officials (a § 1983 claim)

B. Section 1983 allows claims alleging the "deprivation of any rights, privileges, or immunities secured by the Constitution and [federal laws]." 42 U.S.C. § 1983. If you are suing under section 1983, what federal constitutional or statutory right(s) do you claim is/are being violated by state or local officials?

1st, 8th, and 14th amendments U.S. Constitutional violation

C. Plaintiffs suing under *Bivens* may only recover for the violation of certain constitutional rights. If you are suing under *Bivens*, what constitutional right(s) do you claim is/are being violated by federal officials?

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- D. Section 1983 allows defendants to be found liable only when they have acted "under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory or the District of Columbia." 42 U.S.C. § 1983. If you are suing under section 1983, explain how each defendant acted under color of state or local law. If you are suing under *Bivens*, explain how each defendant acted under color of federal law. Attach additional pages if needed.

By Sheriff John E. Garcia releasing false information about the plaintiff he has violated US Constitution Right under the 1st, 9th, and 14th Amendment

III. Prisoner Status

Indicate whether you are a prisoner or other confined person as follows (check all that apply):

- ☒ Pretrial detainee
- ☐ Civilly committed detainee
- ☐ Immigration detainee
- ☐ Convicted and sentenced state prisoner
- ☐ Convicted and sentenced federal prisoner
- ☐ Other (explain) _____

IV. Statement of Claim

State as briefly as possible the facts of your case. Describe how each defendant was personally involved in the alleged wrongful action, along with the dates and locations of all relevant events. You may wish to include further details such as the names of other persons involved in the events giving rise to your claims. Do not cite any cases or statutes. If more than one claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Attach additional pages if needed.

- A. If the events giving rise to your claim arose outside an institution, describe where and when they arose.

- B. False Press Release to the Public by E.C.S. John Garcia, Sheriff, releasing public Relation officer
If the events giving rise to your claim arose in an institution, describe where and when they arose.

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- C. What date and approximate time did the events giving rise to your claim(s) occur?

November 15th 2024

- D. What are the facts underlying your claim(s)? (For example: What happened to you? Who did what? Was anyone else involved? Who else saw what happened?)

Brie County Sheriff John C. Garrison gave a press release that was released on 11/13/24. The content of the press release are in fact false and defamatory; slanderous person which in fact was done with malice toward this plaintiff.

- V. Injuries See Attach Article of Press Release

If you sustained injuries related to the events alleged above, describe your injuries and state what medical treatment, if any, you required and did or did not receive.

This Plaintiff has suffered from public contempt and character assassination by destroying my reputation publicly which has caused me mental anguish and added stress which is in fact detrimental to my health and reputation

- VI. Relief

State briefly what you want the court to do for you. Make no legal arguments. Do not cite any cases or statutes. If requesting money damages, include the amounts of any actual damages and/or punitive damages claimed for the acts alleged. Explain the basis for these claims.

I am seeking damages in the form of \$5,000,000 punitive. Compensatory damages of \$5,000,000

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VII. Exhaustion of Administrative Remedies Administrative Procedures

The Prison Litigation Reform Act ("PLRA"), 42 U.S.C. § 1997e(a), requires that "[n]o action shall be brought with respect to prison conditions under section 1983 of this title, or any other Federal law, by a prisoner confined in any jail, prison, or other correctional facility until such administrative remedies as are available are exhausted."

Administrative remedies are also known as grievance procedures. Your case may be dismissed if you have not exhausted your administrative remedies.

- A. Did your claim(s) arise while you were confined in a jail, prison, or other correctional facility?

☒ Yes
☐ No

If yes, name the jail, prison, or other correctional facility where you were confined at the time of the events giving rise to your claim(s).

Erice County holding Center 40 Delaware, Buffalo NY
14202

- B. Does the jail, prison, or other correctional facility where your claim(s) arose have a grievance procedure?

☐ Yes
☒ No Not for this type of complaint
☐ Do not know

- C. Does the grievance procedure at the jail, prison, or other correctional facility where your claim(s) arose cover some or all of your claims?

☐ Yes
☒ No
☐ Do not know

If yes, which claim(s)?

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- D. Did you file a grievance in the jail, prison, or other correctional facility where your claim(s) arose concerning the facts relating to this complaint?

☐ Yes

☒ No

If no, did you file a grievance about the events described in this complaint at any other jail, prison, or other correctional facility?

☐ Yes

☒ No

- E. If you did file a grievance:

1. Where did you file the grievance?

2. What did you claim in your grievance?

3. What was the result, if any?

4. What steps, if any, did you take to appeal that decision? Is the grievance process completed? If not, explain why not. (Describe all efforts to appeal to the highest level of the grievance process.)

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F. If you did not file a grievance:

1. If there are any reasons why you did not file a grievance, state them here:

N/A

2. If you did not file a grievance but you did inform officials of your claim, state who you informed, when and how, and their response, if any:

N/A

G. Please set forth any additional information that is relevant to the exhaustion of your administrative remedies.

N/A

(Note: You may attach as exhibits to this complaint any documents related to the exhaustion of your administrative remedies.)

VIII. Previous Lawsuits

The "three strikes rule" bars a prisoner from bringing a civil action or an appeal in federal court without paying the filing fee if that prisoner has "on three or more prior occasions, while incarcerated or detained in any facility, brought an action or appeal in a court of the United States that was dismissed on the grounds that it is frivolous, malicious, or fails to state a claim upon which relief may be granted, unless the prisoner is under imminent danger of serious physical injury." 28 U.S.C. § 1915(g).

To the best of your knowledge, have you had a case dismissed based on this "three strikes rule"?

☐ Yes

☒ No

If yes, state which court dismissed your case, when this occurred, and attach a copy of the order if possible.

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- A. Have you filed other lawsuits in state or federal court dealing with the same facts involved in this action?

☐ Yes

☒ No

- B. If your answer to A is yes, describe each lawsuit by answering questions 1 through 7 below. (If there is more than one lawsuit, describe the additional lawsuits on another page, using the same format.)

1. Parties to the previous lawsuit

Plaintiff(s) N/A

Defendant(s) _____

2. Court (if federal court, name the district; if state court, name the county and State)

N/A

3. Docket or index number

N/A

4. Name of Judge assigned to your case

N/A

5. Approximate date of filing lawsuit

N/A

6. Is the case still pending?

☐ Yes

☒ No

If no, give the approximate date of disposition. _____

7. What was the result of the case? (For example: Was the case dismissed? Was judgment entered in your favor? Was the case appealed?)

N/A

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IX. Certification and Closing

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

A. For Parties Without an Attorney

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Date of signing: 6/8/25

Signature of Plaintiff

Printed Name of Plaintiff

Prison Identification #

Prison Address

Juan Fish
TEJUAN FISH PRO-SE
ICN: 75783
Erle County Correctional 11581 Walden Ave
Alden NY 14004
City State Zip Code

B. For Attorneys

Date of signing: _____

Signature of Attorney

Printed Name of Attorney

Bar Number

Name of Law Firm

Address

City

State

Zip Code

Telephone Number

E-mail Address

PRESS RELEASE

CONTACT INFORMATION

LIENTENANT JEREMY R. LEHING

PUBLIC INFORMATION OFFICER

OFFICE: 716 858-7630

MOBILE: 716 440-3684

JEREMY. LEHING@ERIE.GOV

RELEASE DATE 11\15\24

SHERIFF JOHN C. GARCIA

NARCOTIC INVESTIGATION LEAD TO ARREST OF A BUFFALO MAN

Buffalo N.Y. -Erie county sheriff John c, Garcia report arrest of 36-year old Tejuan A. Fish of buffalo. following an investigation led by erie county sferiff narcotic and intellgence unit and assisted by the village of kenmore police department ,buffalo police intelligence unit F.B.I safe street task force and N.Y.S parole . Tejuan Fish is a knowing serial offender.

On november 14th, erie county sheriff conducted survellance on a somerton avenue residence in the village of kenmore. detective observed Fish arrrive in a vehicle and enter a residence on somerton avenue and departed a short time later with a female companion . Fish was observed committing a vehicle and traffic law offense and was stopped. It determaind that Fish handed off a large quantity of crack cocain, cocain and fetanyl to the female companion. Fish was arrested.

Later that day E.C.S.O. narcotic and intellgence personnel excueted a search warrant signed by tonawada judge Pat Lennon at 65 somerton avenue, kenmore n.y. This residence is belived by law enforcement to be a "STASH" residence for Fish, deputies and detectives recovered scales, drug packaging materials and a loaded taurus 9mm with a large capacity ammunition feeding devise. officers also seized a large amount of u.s currency and jewery.

A second search warrent signed by judge Philip Dabney was execued last night at Fish residence located at 127 lemon street buffalo. officers recovered a large amont of suspected cocain and seized FISH range rover belived to be purchased with illicit proceeds.

FISH WAS CHARGED WITH THE FOLLOWING

**1 criminal possession of narcotic drug/inten to sell 3rd degree class B felony
(2counts)**

**2 criminal possession of controlled substance /narcotic 3rd degree class B felony
(2counts)**

3 criminal possession of a loaded firearm 2nd degree class C felony

4 criminal possession of a weapon 3rd degree class D felony

5 criminal use of drug paraphernall 2nd degree class A miasdermanner (5count)

**FISH WAS REMANDED TO THE ERIE COUNTY HOLDING CENTER PENDING HIS
ARRAIMENT IN COURT.**